

AMENDMENT TO COMMITTEE PRINT**OFFERED BY M**____.

Amend subtitle C of title II to read as follows:

1 Subtitle C—Hydroelectric Energy**2 SEC. 231. ALTERNATIVE CONDITIONS AND FISHWAYS.**

3 (a) ALTERNATIVE MANDATORY CONDITIONS.—Sec-
4 tion 4 of the Federal Power Act (16 U.S.C. 797) is
5 amended by adding at the end the following:

6 “(h)(1) Whenever any person applies for a license for
7 any project works within any reservation of the United
8 States, and the Secretary of the department under whose
9 supervision such reservation falls deems a condition to
10 such license to be necessary under the first proviso of sub-
11 section (e), the license applicant or any other party to the
12 licensing proceeding may propose an alternative condition.

13 “(2) Notwithstanding the first proviso of sub-
14 section (e), the Secretary of the department under
15 whose supervision the reservation falls shall accept
16 the proposed alternative condition referred to in
17 paragraph (1), and the Commission shall include in
18 the license such alternative condition, if the Sec-
19 retary of the appropriate department determines,
20 based on substantial evidence provided by the party



1 proposing such alternative condition, that the alter-
2 native condition—

3 “(A) provides no less protection for the
4 reservation than provided by the condition
5 deemed necessary by the Secretary; and

6 “(B) will either—

7 “(i) cost less to implement, or

8 “(ii) result in improved operation of
9 the project works for electricity production,
10 as compared to the condition deemed necessary
11 by the Secretary.

12 “(3) Within 1 year after the enactment of this
13 subsection, each Secretary concerned shall, by rule,
14 establish a process to expeditiously resolve conflicts
15 arising under this subsection.”.

16 (b) ALTERNATIVE FISHWAYS.—Section 18 of the
17 Federal Power Act (16 U.S.C. 811) is amended by—

18 (1) inserting “(a)” before the first sentence;

19 and

20 (2) adding at the end the following:

21 “(b)(1) Whenever the Commission shall require a li-
22 censee to construct, maintain, or operate a fishway pre-
23 scribed by the Secretary of the Interior or the Secretary
24 of Commerce under this section, the licensee or any other



1 party to the proceeding may propose an alternative to such
2 prescription to construct, maintain, or operate a fishway.

3 “(2) Notwithstanding subsection (a), the Sec-
4 retary of the Interior or the Secretary of Commerce,
5 as appropriate, shall accept and prescribe, and the
6 Commission shall require, the proposed alternative
7 referred to in paragraph (1), if the Secretary of the
8 appropriate department determines, based on sub-
9 stantial evidence provided by the party proposing
10 such alternative, that the alternative—

11 “(A) will be no less effective than the
12 fishway initially prescribed by the Secretary,
13 and

14 “(B) will either—

15 “(i) cost less to implement, or

16 “(ii) result in improved operation of
17 the project works for electricity production,
18 as compared to the fishway initially prescribed
19 by the Secretary.

20 “(3) Within 1 year after the enactment of this
21 subsection, the Secretary of the Interior and the
22 Secretary of Commerce shall each, by rule, establish
23 a process to expeditiously resolve conflicts arising
24 under this subsection.”.



1 **SEC. 232. FERC DATA ON HYDROELECTRIC LICENSING.**

2 (a) DATA COLLECTION PROCEDURES.—The Federal
3 Energy Regulatory Commission shall revise its procedures
4 regarding the collection of data in connection with the
5 Commission's consideration of hydroelectric licenses under
6 the Federal Power Act. Such revised data collection proce-
7 dures shall be designed to provide the Commission with
8 complete and accurate information concerning the time
9 and costs to parties involved in the licensing process. Such
10 data shall be available for each significant stage in the
11 licensing process and shall be designed to identify projects
12 with similar characteristics so that analyses can be made
13 of the time and costs involved in licensing proceedings
14 based upon the different characteristics of those pro-
15 ceedings.

16 (b) REPORTS.—Within 6 months after the date of the
17 enactment of this Act, the Commission shall notify the
18 Committee on Energy and Commerce of the United States
19 House of Representatives and the Committee on Energy
20 and Natural Resources of the United States Senate of the
21 progress made by the Commission under subsection (a),
22 and within 1 year after such date of the enactment, the
23 Commission shall submit a report to such Committees
24 specifying the measures taken by the Commission pursu-
25 ant to subsection (a).

